

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

JOLT INITIATIVE, INC.,

Plaintiff,

v.

KEN PAXTON, in his official capacity as
Attorney General of Texas,

Defendant.

Case No.: 1:24-cv-01089-RP

DECLARATION OF JOSEPH MEAD

I, Joseph Mead, pursuant to 28 U.S.C. § 1746 declare as follows:

1. I am an attorney representing the plaintiff in the above-captioned action.

2. Attached as Exhibit A is a post on X (formerly known as Twitter) where a far-right activist confronts a Jolt VDR. I accessed the post at the following link: <https://x.com/hernandoarce/status/1825954284858417608>.

3. Attached as Exhibit B is a reply to the post, in which an X user wrote: “TARGET PRACTICE.” I accessed the post at the following link: https://x.com/coonass70/status/1826594312765014165?s=12&t=B8V3w_oAF_oaHT0RImpDjg.

4. Attached as Exhibit C is a post from the same far-right activist saying he is

“continu[ing] my hunt for Marxist Anti American organizations like @JoltAction,” along with a reply from an X user that says: I too want to go hunting these scum.” I accessed this post and reply at the following link:

https://x.com/1alphaomega66/status/1831680798266626308?s=12&t=B8V3w_oAF_oaHT0RImpDjg.

5. Attached as Exhibit D is another reply where an X user posts the name and LinkedIn profile of a Jolt Action board member. I accessed this post at the following link:

https://x.com/jdata17/status/1831509651487387772?s=12&t=B8V3w_oAF_oaHT0RImpDjg.

6. Attached as Exhibit E is a post on X claiming that a “massive line of immigrants” was registering to vote outside Texas DMVs. I accessed the post at the following link: <https://x.com/MariaBartiromo/status/1825169849363972404>.

7. On August 21, 2024, the Texas Office of the Attorney General put out a press release. *See* Press Release, Tex. Office of Att’y Gen., *Attorney General Ken Paxton Launches Investigation into Reports That Organizations May Be Illegally Registering Noncitizens to Vote* (Aug. 21, 2024), <https://perma.cc/EF4H-E6PP>. The press release “call[ed] into question the motives of the nonprofit groups” conducting voter registration drives simply because they were located outside Texas Department of Public Safety locations. The press release further stated that “[a]ny wrongdoing will be punished to the fullest extent of the law,” and it listed the maximum penalties for voting or registering to vote if you are ineligible.

8. The Attorney General's actions triggered additional violent commentary on social media, with people publicly calling for the execution of those involved with nonprofits being investigated. For example, on Patriots.Win, a user commented: "Start hanging NGO agents as traitors and enemies of the state" to a post about the Attorney General's investigation into organizations doing voter registration drives. That post is attached as Exhibit F. I accessed the post at the following link: <https://patriots.win/p/17txtLGjt0/-texas-attorney-general-ken-paxt/c/4ZDtR7R5dVn>.

9. In response to a similar post, another Patriots.Win user called for "a public hanging in the public square." That post is attached as Exhibit G. I accessed the post at the following link: <https://patriots.win/p/17txtLHZAM/texas-ag-paxton-opens-undercover/c/4ZDtR7Vc7CJ>.

10. Another person called for "Firing squad for treasonous NGOs." That post is attached as Exhibit H. I accessed the post at the following link: <https://patriots.win/p/17txtLHZAM/texas-ag-paxton-opens-undercover/c/4ZDtR7UScHQ>.

11. Other comments were even more specific. For example, one commentator praising the Attorney General's raid on members of the League of United Latin American Citizens (LULAC) wrote that he wanted LULAC members to "get gunned the fuck down for everyone to see. Just twitch motherfucker just fucking breathe wrong and be on the receiving end of a mag dump. Time for these assholes to live in fear." That post is attached as Exhibit I. I accessed the post at

the following link: <https://patriots.win/p/17ty2krkCO/texas-ag-ken-paxton-launches-ele/c/4ZDtkvrJn7Z>.

12. These supporters of Defendant's actions understood that the goal was intimidation. Attached as Exhibit J is a post in which a Patriots.Win user said: "The process is the punishment. Destroy their lives." I accessed that post at the following link: <https://patriots.win/p/17ty2krkCO/texas-ag-ken-paxton-launches-ele/c/4ZDtl0XzIIX>.

13. Attached as Exhibit K is an excerpt from a transcript that I believe to be a true and accurate recording of a proceeding in *In Re Office of the Attorney General of the State of Texas*, No. D-1-GN-24-004200 (Tex. Dist. Ct. Aug. 29, 2024). On pages 34-35, an attorney for the Attorney General tried to introduce into evidence and the public record a document that appears to reveal the bank account information of a nonprofit. The relevant part of the transcript is copied below:

MR. MCKENNEY: Well, let me jump to 36, Exhibit double I. Excuse that, Your Honor.

THE COURT: Those are J's. You want 36?

MR. MCKENNEY: 35.

THE COURT: Okay.

MR. MCKENNEY: 35 here.

THE COURT: Usually we redact all but a few digits of something like this.

MR. MCKENNEY: Well, Your Honor, this was provided to us by JP Morgan Chase.

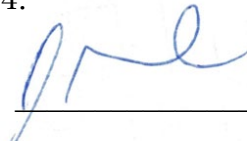
THE COURT: Okay, but when we admit exhibits in court or seek to admit exhibits in court that contain critical information like this, like an account number associated with a name, we typically redact all but a few of the digits so that we can still identify it but we aren't putting

in the public record forever a person or organization's private information.

The Court ultimately denied the Attorney General's request to depose the nonprofit as unjustified by state law.

I declare under penalty of perjury that this declaration is true and correct.

Executed on September 20, 2024.



Joseph Mead

EXHIBIT A

To Mead Declaration



EXHIBIT B

To Mead Declaration



Coonass69
@coonass70

Follow



TARGET PRACTICE

8:16 AM · 8/22/24 · 41 Views



EXHIBIT C

To Mead Declaration

 **hernando arce**  @hernandoarce · 6d ...

UPDATE: As I continue my hunt for Marxist Anti American organizations like @JoltAction and @VoterCenter in Texas that are working to steal/defraud the election of 2024.

I returned back to the scene of the crime @TxDPS office in San Antonio Tx to give you an update on the work [Show more](#)



62 785 1.3K 15K

 **Mr. Super Angry**  @1AlphaOmega66 ...

I too want to go hunting these scum.

9:08 AM · 9/5/24 · 12 Views

EXHIBIT D

To Mead Declaration

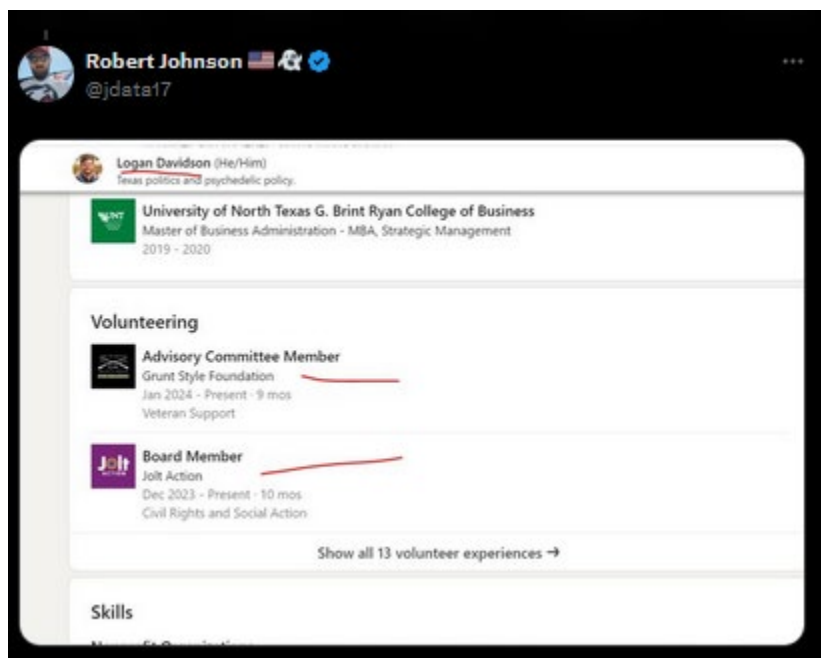


EXHIBIT E
To Mead Declaration



EXHIBIT F

To Mead Declaration



[POTUS_DonnieJ](#) 1 points 30 days ago

Start hanging NGO agents as traitors and enemies of the state.

[permalink](#) [award](#) [deport](#) [block](#) [reply](#)

EXHIBIT G
To Mead Declaration



[sixfingerdildo](#) 3 points 30 days ago



And by win, we want a public hanging in the public square. And x.

[permalink](#) [award](#) [deport](#) [block](#) [reply](#)

EXHIBIT H

To Mead Declaration



[bringbackthe80s](#) 1 points 30 days ago

Firing squad for treasonous NGOs.

[permalink](#) [award](#) [deport](#) [block](#) [reply](#)

EXHIBIT I
To Mead Declaration



Datamancer 26 points 22 days ago

Light them the fuck up. I so fucking want one of these dems to resist and get gunned the fuck down for everyone to see. Just twitch motherfucker just fucking breathe wrong and be on the receiving end of a mag dump.

Time for these assholes to live in fear.

EXHIBIT J

To Mead Declaration



[Cuck_Slayer24](#) 1 points 21 days ago

Finally fucking someone somewhere starts putting the screws to these commie fucks. The process is the punishment. Destroy their lives.

[permalink](#) [award](#) [deport](#) [block](#) [reply](#)

EXHIBIT K
To Mead Declaration

REPORTER'S RECORD
VOLUME 1 OF 1 VOLUME
TRIAL COURT CAUSE NO. D-1-GN-24-004200

IN RE OFFICE OF THE)	IN THE DISTRICT COURT
ATTORNEY GENERAL OF THE)	
STATE OF TEXAS,)	
)	
Petitioner)	
)	TRAVIS COUNTY, TEXAS
VS.)	
)	
TEAM BROWNSVILLE, INC.,)	
)	
Respondent)	
)	200TH JUDICIAL DISTRICT

RULE 202 PETITION TO TAKE DEPOSITION

On the 29th day of August, 2024, the
following proceedings came on to be heard in the
above-entitled and numbered cause before the Honorable
Maya Guerra Gamble, Judge presiding, held in Austin,
Travis County, Texas;

Proceedings reported by machine shorthand.

1 that I didn't know about before, but I haven't heard
2 anything to tell me that this organization might be
3 breaking the law. And I --

4 MR. MCKENNEY: Yes.

5 THE COURT: -- I'm looking at the rule.

6 MR. MCKENNEY: Right.

7 THE COURT: You don't get it just because
8 you ask for it.

9 MR. MCKENNEY: Of course. But this is key
10 to -- we're getting to the why there are potential
11 violations of the law.

12 THE COURT: Well, I don't think they --
13 well, you've got 20 minutes. I'm not admitting 8 and 9.
14 I don't know what they are exactly, I don't know what
15 USAspending.Gov. is, you haven't really tied it
16 together.

17 MR. MCKENNEY: Well, let me jump to 36,
18 Exhibit double I. Excuse that, Your Honor.

19 THE COURT: Those are J's. You want 36?

20 MR. MCKENNEY: 35.

21 THE COURT: Okay.

22 MR. MCKENNEY: 35 here.

23 THE COURT: Usually we redact all but a
24 few digits of something like this.

25 MR. MCKENNEY: Well, Your Honor, this was

1 provided to us by JP Morgan Chase.

2 THE COURT: Okay, but when we admit
3 exhibits in court or seek to admit exhibits in court
4 that contain critical information like this, like an
5 account number associated with a name, we typically
6 redact all but a few of the digits so that we can still
7 identify it but we aren't putting in the public record
8 forever a person or organization's private information.

9 MR. MCKENNEY: I understand that. So, we
10 can resubmit it.

11 MR. BURGER: And, judge, these records
12 were obtained surreptitiously from my client.

13 MR. MCKENNEY: No.

14 MR. BURGER: Somehow -- may I finish, sir?

15 THE COURT: Okay, direct at me, please.

16 And also please don't interrupt. I have
17 given you every opportunity to make your argument and to
18 respond to any objections. Professionals don't
19 interrupt each other.

20 Finish your statement, please.

21 MR. BURGER: Apologize, Your Honor.

22 The first time we saw these documents was
23 two days ago, when they were emailed to us by counsel.
24 We were not aware that apparently they issued a subpoena
25 to JP Morgan Chase, under what cause number I do not

1 know, because the -- it appears that it pre-dates this
2 lawsuit. We were not given notice under the Finance
3 Code, we are not given an opportunity to object to the
4 production of our private financial records.

5 I don't know how it happened, I haven't
6 seen the subpoena. I object to all of this as violation
7 of our due process rights, violation of Finance Code
8 59.006, which necessarily requires notice of any
9 custodian of a record of an account to be provided
10 notice. We weren't given any of it.

11 MR. MCKENNEY: May I?

12 THE COURT: You may.

13 MR. MCKENNEY: I'm not aware of the
14 provision he's referring to, and if we had it we can
15 talk about it, maybe it would be relevant, but otherwise
16 we came prepared. I'm not -- this was obtained through
17 administrative subpoena of JP Morgan Chase. It's
18 completely consistent that it occurred before the filing
19 of this petition, Your Honor, because we are in the
20 process of conducting an investigation. The information
21 obtained from JP Morgan Chase allows to provide us
22 information that gave us a basis to proceed to petition.

23 THE COURT: How about we do it this way,
24 why don't you point me to the law that lets the Texas
25 Attorney General go with an administrative subpoena and

1 get information like this without notification to the
2 account holder.

3 MR. MCKENNEY: I'm happy to. 12.152, 3,
4 and 4 of the Texas Business Organizations Code.

5 THE COURT: You're going to have to do
6 that again. I don't think I have that.

7 MR. MCKENNEY: 12.152 through 154 of the
8 Texas Business Organizations Code. The statute
9 authorizes the service of request to examine
10 information, and that is what was served upon JP Morgan
11 Chase and they complied with it. There's nothing in
12 that statute about notice to account holders. It's a
13 general investigatory statute that relates to the first
14 statute I showed up on the screen authorizing
15 investigations into the conduct of organizations
16 registered in Texas.

17 MR. BURGER: May I, judge?

18 THE COURT: So, this statute gives power
19 to the Secretary of State. Are you saying the Secretary
20 of State issued this or the Attorney General did?

21 MR. MCKENNEY: The statute gives power to
22 the Attorney General, Your Honor, to investigate. And
23 as part of the investigatory powers, there's a section,
24 I think it's 12.153, that says we can seek records --

25 THE COURT: Okay. Can I talk?

1 MR. MCKENNEY: -- with respect --

2 THE COURT: Chapter 12, Administrative
3 Powers, subchapter (a), Secretary of State.
4 Section 12.001, authority of Secretary of State, right?
5 So, I'm just reading the -- I'm just reading this right
6 now for the first time, so just let me read it.

7 Section 12.002, interrogatories by the
8 Secretary of State.

9 Then 03 deals with that information; 004,
10 appeals from Secretary of State, and it references
11 something called filing instrument. I'm not a hundred
12 percent sure what that is. 5 is a fee waiver for
13 veteran-owned businesses. I'm --

14 MR. MCKENNEY: Your Honor, it's subchapter
15 (b), Attorney General.

16 THE COURT: I'm working my way down there.

17 MR. MCKENNEY: Okay.

18 THE COURT: Subchapter (b), all right,
19 Attorney General. 12.151. Authority of attorney
20 general to examine books and records.

21 Each filing entity -- what is a filing
22 entity?

23 MR. MCKENNEY: An entity that files to
24 transact business in Texas.

25 THE COURT: Okay. Shall permit the

1 Attorney General to inspect, da-da-da-da-da.

2 MR. MCKENNEY: And that's the provision,
3 Your Honor.

4 THE COURT: Uh-huh. Inspect. It's an
5 inspection statute.

6 THE COURT: Okay. And they produce
7 documents in lieu of inspection.

8 THE COURT: Includes minutes in a book,
9 account, um.

10 MR. BURGER: The more specific statute,
11 judge, is Finance Code 59.006, that says, This section
12 provides the exclusive method for compelled discovery of
13 a record of a financial institution relating to one or
14 more customers but does not create a right of privacy in
15 a record. And that's --

16 THE COURT: What chapter was it?

17 MR. BURGER: It's 59.006.

18 This is the way you get --

19 THE COURT: Right. Because the problem
20 I'm having --

21 MR. BURGER: -- records from a financial
22 institution.

23 THE COURT: -- with the business org. that
24 you sent me to --

25 MR. BURGER: You don't need to admit a

1 statute --

2 THE COURT: Okay, stop talking to each
3 other. I do not want you to say another word to each
4 other, do you understand?

5 MR. BURGER: Yes, Your Honor.

6 THE COURT: Do you understand?

7 MR. MCKENNEY: Yes, Your Honor.

8 THE COURT: Okay. In court it all comes
9 one direction.

10 The problem I'm having with Government
11 Code Section 12 is that it appears to be a mechanism for
12 the Attorney General to get information from a filing
13 entity about that filing entity. It does not appear to
14 allow the Attorney General to get information about
15 partners of that filing entity. Do you see what I'm
16 worried about?

17 MR. MCKENNEY: I understand the
18 distinction Your Honor is making.

19 THE COURT: And Texas Finance Code 59.006
20 does say, this section provides the exclusive method for
21 compelled discovery of a record of a financial
22 institution relating to one or more customers, which is
23 exactly what we're talking about right here. Yes?

24 MR. MCKENNEY: I'm not sure about that. I
25 don't have the provision in front of me.